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FIFTY YEARS

This year marks the fiftieth anniversary of Jerry Siegel and Joseph Shuster's creation of Superman. Next year Bob Kane's Batman will turn fifty, and several creations by Stan Lee, Jack Kirby, Bill Everett, and others will have been published for twenty-five years. Special editions are planned, as well as, no doubt, parties and press conferences.

As nice as it may be to see our childhood heroes pass the test of time and achieve the status of American folklore, it is would be unwise to let these celebrations go by without noting that the talents who brought the superheroes to life have, for the most part, been treated horribly. DC and Marvel Comics have consistently shown contempt and malice toward the artists to whom they owe their annual profits, their movie contracts, and their credibility as the owners of legends.

Jack Kirby, denied any compensation or even credit for his fundamental contribution to Marvel's mythology, had to wage an ugly public battle just to get a fragment of his original artwork returned to him.

Siegel and Shuster faced poverty for decades before artist Neal Adams and others embarrassed DC into paying them a modest annuity.

Such examples abound. Many of the greatest artists of our field have died as paupers, as alcoholics, even as suicides. They are victims of an industry bent on a course that demeans and destroys its best.

There are lessons to be learned from these past fifty years.

The publishers may be in a festive mood, but for the artists and writers who made them rich, there is very little to celebrate.

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The New DC Deal, Take 2

Last issue, we reported that DC Comics has announced a new plan under which creators would not have to sell their creations to DC in order to have DC publish them. The promise was interesting, the plan unspecified. DC Publisher Jenette Kahn suggested that interested freelancers contact DC editors for details. Several have, and they reported their findings to us. The one emergent fact is that the editors are no more certain about the details of the new deal than we are.

According to one freelancer, a DC editor outlined the deal as follows:

> *Property would be copyrighted in the creator's name. Creator would get a substantial split of all ancillary rights, percentage negotiable* [We assume this includes foreign reprints, all merchandising, movie sales, etc. -- WAP!], *and approval of ad copy. At the end of the 35-year copyright period, at which point copyrights must be renewed or material will go into the public domain, there would be a one-year "window," during which the creator or heirs would be able to ask for the property back. Failing that, the option for the creator to recover the property would expire, and the property would remain with DC. Questions of where creative control over the property rests were not addressed.*

(To simplify things, we've lumped the terms "creation," "character," "concept," and "work" under the term "property.")

A second version, told to another freelancer by a different DC editor, goes:

> *DC has to keep a property in print or pay money to retain control of it, or it reverts after two years of non-use; rights remain with DC for 35 years. The creator, after leaving property, would have a one-time option of returning to it. A creator receives a portion of the royalties from any book his property appears in* [i.e., if a character should guest-star or become a regular character in a team book, etc. - WAP!]. *There may be some kind of refusal rights, and some say in who works on a property should the creator leave it. Again, the question of where creative control resides was not addressed.*

A DC executive told another freelancer a third version of the plan:

> *Under the new plan, DC effectively leases the property from the creator. If property remains continuously in production, at the end of 35 years, copyright and trademark automatically revert to creator, who must then take action to legally protect them. If property does not remain continuously in production, at the end of the first year, following a minimum of two years after a property stops publication, where no income (i.e., less than $1000) has been earned for the year, copyright and trademark will be returned at creator's request. Original creator gets rights but may make unlimited use only of material he himself produced; should other creators take over property following original creator's departure, original creator cannot reprint their work without their permission, nor can they reprint their work or create new work involving the property without the original creator's permission. During the term of the company's "lease," monies from sales of all ancillary publications and rights would be divided 50-50 between DC and the creator. The subject of creative control was not mentioned.*

So there is still much confusion over exactly what DC's new deal entails. Clarification may be difficult to come by. At least one high-ranking DC executive has flat out rejected issuing any formal, written explanation of the plan, preferring instead to sort it all out during individual negotiations.

As this issue of WAP! goes to press, DC is discussing the possibility of holding seminars on the new deal at the San Diego Comic Con. On Monday, August 8, at 8 PM, Paul Levitz is scheduled to address CAPS, the Los Angeles-based Comic Art Professional Society, on the matter. CAPS meets in the back of 2828 W. Magnolia Blvd in Burbank, California.

Hold that Trademark!

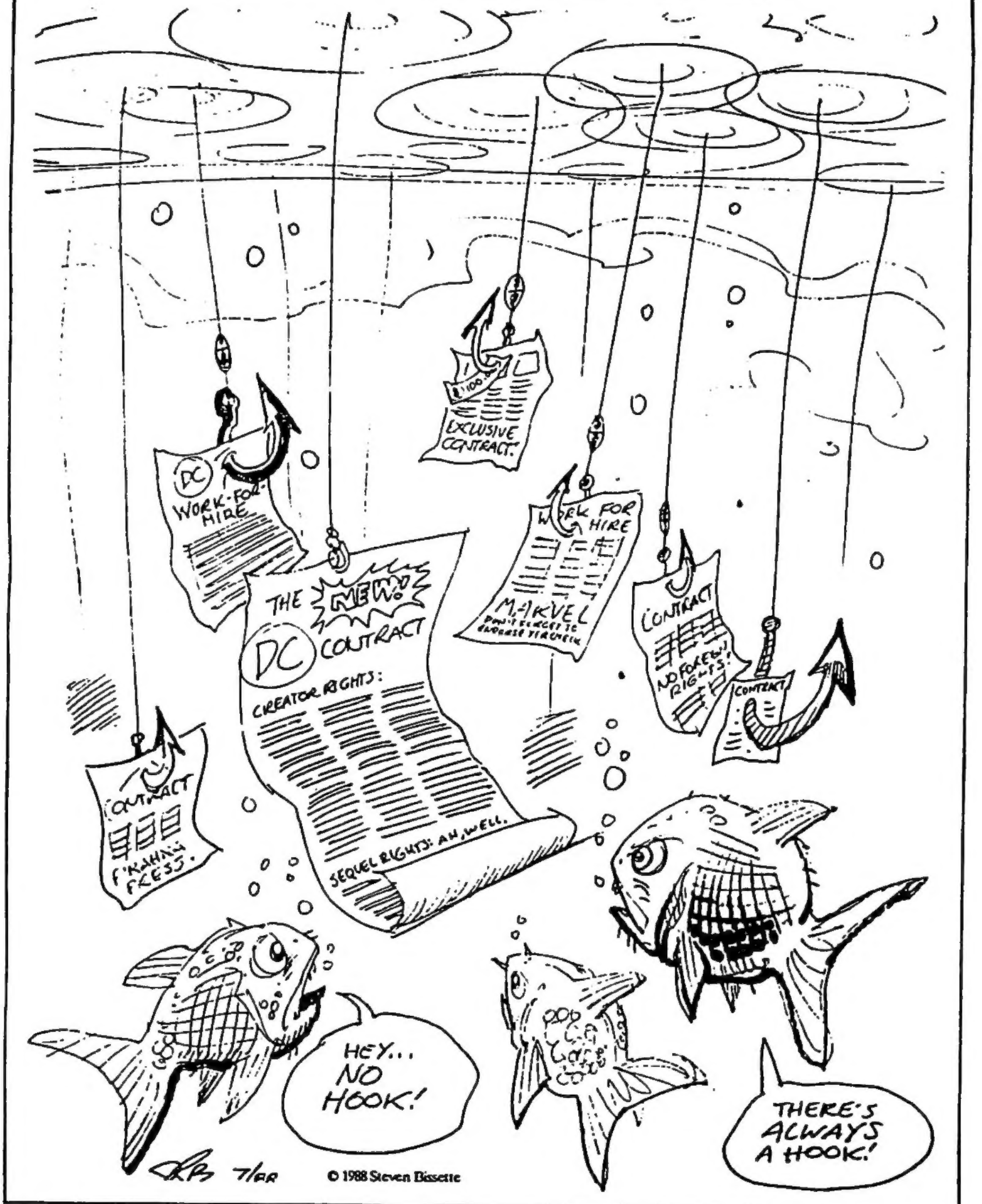
Keep in mind, during any negotiation with any company, that "creator ownership" entails much more than simply retaining copyright. Even if copyright on a property reverts to you, you can't do much with the material without also owning the *trademark*. Should a publisher return copyright but not trademark to you, that publisher could theoretically sue you for infringement of trademark if you tried to reprint or make any other use of the property.

Suppose that Marvel were to assign copyright—but *not* ownership of the trademark—on the old *Fantastic Four* material to Stan Lee and Jack Kirby. If Stan and Jack tried to reprint the material under the name "Fantastic Four" and using the familiar costumes, Marvel would have grounds to sue because the name, the logo, and the identifying physical appearances of the characters would remain Marvel's trademarks. Stan and Jack could change the name to "Cosmic Ray Rebels" and redraw the costumes, but this would decimate the commercial value of the work. Nor, could they produce new adventures of their creations, under the original series title, separate from Marvel.

A creator who holds trademark cannot be removed from a property against his will, nor can that property be used for any purposes the creator disagrees with. Copyright protects a specific literary or artistic work -- such as any single issue of a comic book -- but in the case of continuing series, whoever owns the trademark holds the real control over the property.

— The WAP! Editorial Board

Fishin' in the Freelancer Pool



Steve Gerber:

TRUTH, JUSTICE, & THE CORPORATE CONSCIENCE

INTRODUCTORY NOTE

The following article was written in late 1975 and early '76 as the first draft of an assignment for Rolling Stone magazine. Until now, it has never been published. Rolling Stone, for reasons unknown to me, decided not to run it and paid a kill fee for the work I had completed on the piece.

No attempt has been made to update the text, though I have taken the liberty of cleaning up a few passages of overwrought prose. Apart from these minor edits, you'll be reading what I and many others in the comics industry were thinking and feeling thirteen years ago -- on the less-celebrated occasion of Superman's 37th anniversary.

Some changes have occurred in comics since this article was written; many things still need changing. Some of these are catalogued in a brief afterword to the article. — SG

As a kid with no noticeable athletic ability, as a prisoner in a school system which turned me off completely to reading, as an awkward, puttyish, bespectacled lump on an unrelievedly bland landscape of tract homes, Dairy Queens, and discount barns, I drew heavily on three sources for psychic sustenance: Hostess cupcakes. My imagination. And Superman.

It didn't matter that I never made king of the hill; that I couldn't hit, catch, or throw a ball worth shit; that the class cripple could outrun me in the fifty-yard dash; that I was a classic underachiever, a misfit, a loner, and victimized for it.

All that was true only in my civilian identity. At three-thirty, when the last bell rang, I could whip off my glasses, fasten the safety pin that held my terrycloth cape around my neck, and -- to this day I can almost believe it -- *fly*.

Pentagonal shield and big red "S" emblazoned in crayola on my t-shirt, I raced up and down the block breaking up the littler kids' fights, lifting bicycles off the pain-wracked bodies of fallen novice riders, and otherwise aiding the oppressed, righting wrongs, and lending my fantasized superhuman abilities to the never-ending battle for Truth, Justice, and the American Way.

Granted, mine was perhaps an extreme case, but I was hardly alone in my adulation of the Man of Steel. Millions of my third-, fourth-, and fifth-grade contem-

poraries had, like myself, only three passages we could recite by rote. The Pledge of Allegiance, the Lord's Prayer, and "Faster than a speeding bullet!". Superman was an ideal. Not merely the physical marvel we could never be, but also the man who, though more powerful than a fucking locomotive, put his remarkable talents to work benevolently.

Superman was above machismo posturing. Somehow absent from his psychological makeup was the need to drag others down, bully them, spit in their faces, force them to concede their relative impotence. He embodied the righteous wrath of Moses, the mercy of Jesus Christ, and the innocence and accessibility of Wally Cleaver. He was, and continues to be, an inspiration to youngsters everywhere.

For Jerome Siegel and Joseph Shuster, however, he represents something quite different. "I can't stand to look at a *Superman* comic book," Siegel says. "It makes me physically ill. I love Superman, and yet, in my mind, he's been twisted around into some kind of alien thing."

Jerry Siegel works in a mail room in Los Angeles. He earns $7000 a year. Joe Shuster is legally blind, unemployed, and, with his brother who supports him, inhabits a shabby apartment in Forest Hills, Queens, from which he ventures out only occasionally. Both Siegel and Shuster are sixty-one years old. Neither is the picture of health.

In 1933, at the age of seventeen, Jerry Siegel and Joe Shuster *created* Superman.

For thirty-seven years, since its initial publication in 1938, Jerry and Joe have watched their creation evolve into a marketing empire: animated cartoons for theatrical exhibition, live-action movie serials, radio series, television series, cartoons for television, Broadway musicals, lunch boxes, Halloween costumes, coloring books, dolls, plastic models, and virtually every toy and article of clothing imaginable with the ironic exception of longjohns. And during most of this time, Siegel and Shuster have remained mere spectators, all the income generated by institution they conceived lining others' pockets.

Now Ilya Salkind and Pierre Spengler, producers of the recent Richard Lester-directed *Three Musketeers* have purchased the screen rights to Superman for a reported three million dollars. They have budgeted fifteen million for the production of *Superman* as a serious drama to be directed by Guy Hamilton, whose credits include several of the James Bond pictures, and written by Mario Puzo, author of *The Godfather*.

Siegel and Shuster will realize not a penny from the cinematic extravaganza. Their names will appear nowhere in the credits. It will only be through the goodness of someone's heart if they receive so much as free tickets to the premiere.

Siegel and Shuster have shared in virtually none of the wealth their character has amassed for its publisher, National Periodical Publications, Inc. A court of law has ruled that they have no right to share in that wealth, because in 1938, for the grand sum of $130, they willingly, if naively, sold their interest in Superman forever.

The Superman concept sprang not from the far-flung reaches of the cosmos, but from the depths of economic deprivation in perhaps the most mundane of all possible settings: Cleveland, Ohio.

"There was the oppression going on in Germany and the Depression at home, and I was quite conversant with the terrible economic conditions and the plight of the average person," Siegel recalls. "I wanted so much that there could be a being who could straighten out the world and help the underprivileged and the oppressed. Joe and I thought, 'If only we could put on a colorful costume and use fantastic powers to help people!' -- that's what we would like to have done if we could've done it. And that helped bring about the creation of Superman."

The narrative presented itself to Siegel in its entirety -- the doomed planet Krypton, the lone infant survivor hurled to earth in his rocket-powered crib, the child's acquisition of prodigious strength and speed upon reaching maturity -- in a single sleepless night. The next morning, notes in hand, Siegel ran the twelve blocks to artist Shuster's home to enlist the latter's collaboration. Joe was enthusiastic and set about drawing immediately.

This initial version was titled "*The* Superman" and differed somewhat from the character which eventually saw publication. The most obvious variance was the lack of distinctive costuming, which would be added when Siegel revised and enlarged upon the concept a year later. Both versions made the rounds of the various newspaper syndicates and comic book publishers, and both met consistently with rejection.

In the meantime, Jerry and Joe established themselves as working professionals in the comics industry by selling several other, less revolutionary strips with titles like "The Spy", "Slam Bradley", and "Dr. Occult" to Major Malcolm Wheeler-Nicholson and his magazines *New Fun*, *New Adventure*, and *Detective Comics*. Nicholson was the only publisher to express an interest in Superman, but Jerry and Joe declined his offer to publish the strip, having found him slow to remit and difficult to work with.

Late in 1937, Nicholson folded, and a new organization, Detective Comics, Inc. [*which would later become National Comics, Inc.; then National Periodical Publications, Inc.; and finally, today, DC Comics, Inc.*], acquired some of the Major's magazine properties. On December 4, 1937, Siegel met in New York with his new publisher, Jacob S. Liebowitz. That meeting resulted in a contract agreement which stipulated that Siegel and Shuster would continue to produce "Slam Bradley" and "The Spy" exclusively for Detective for two years, that Detective would be sole owner of the material, that the creators would be paid ten dollars a page for their efforts, and that Detective would have first option on acceptance of any new comics features that Siegel and Shuster might originate.

So it was that in 1938, when Detective decided to issue a new magazine entitled *Action Comics*, Jerry and Joe submitted the *Superman* strip for consideration, and

it was purchased at last. The first episode, prepared initially in newspaper strip format, was lovingly, meticulously cut up, repasted on thirteen comic book pages, and mailed to the publisher, who responded with a check, a letter chastising Joe for laying out pages with fewer than eight panels, and a release form which read:

I, the undersigned, am an artist or author and have performed work for strip entitled 'SUPERMAN'.

In consideration of $130.00 agreed to be paid to me by you, I hereby sell and transfer such work and strip, all good will attached thereto, and exclusive right to use the characters and story, continuity and title of strip contained therein, to you and your assigns to have and hold forever and to be your exclusive property and I agree not to employ said characters or said story in any other strips or sell any like strip or story containing the same characters by their names contained therein or under any other names at any time hereafter to any other person, firm or corporation, or permit the use thereof by said other parties without obtaining your written consent therefor. The intent hereof is to give you exclusive right to use and acknowledge that you own said characters or story and the use thereof, exclusively. I have received the above sum of money.

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On March 3, 1938, Jerry and Joe signed the release, and with that stroke of the pen abnegated any and all claim to whole or partial ownership of Superman, the creation on which they'd pinned most of their hopes and dreams for five years.

On September 22, 1938, Jerry and Joe were placed under contract to produce, through their studio in Cleveland, all stories and art for Superman for a period of ten years. In addition, a three-way contract was signed among Detective, the McClure Newspaper Syndicate, and Siegel and Shuster for the production of a daily Superman comic strip, which the two originators would also produce exclusively. It was clear by this time to all concerned that the Superman strip was a major success. Yet Jerry and Joe continued to be paid at the rate of ten dollars per page -- per *complete* page, including script continuity, art, and hand-lettering.

Shortly thereafter, Jerry requested a raise, whereupon Old Man Trouble first reared his ugly head. According to a press release issued by Siegel, publisher Liebowitz responded thusly:

... your letter ... took my breath away. I did not anticipate that when I asked you to come to New York to discuss this matter of newspaper syndication, that you would want to take advantage of this visit and try to boost your price on "Superman" ...

Don't forget that there are 64 pages in the magazine [Action Comics] and that there isn't any magazine being published today that can sell on the basis of any one feature.

Jerry had asked for fifteen dollars a page.

In June, 1939, Detective published the first issue of *Superman*, a magazine devoted entirely to the exploits of that character.

1940 saw the inception of the *Superman* radio program. In 1941, Paramount Pictures began to release what eventually totalled eighteen *Superman* animated cartoons. Siegel quotes another letter from Liebowitz, dated June 27, 1941:

Under the terms of our contract, you are entitled to a percentage of net profits accruing from the exploitation of Superman in channels other than magazines. These figures for the last year show that we lost money, *and therefore you are entitled to* no royalties. *However, in line with our* generous *attitude toward you* boys, *I am enclosing a check for $500 which is in effect a token of feeling.* [Emphases Siegel's.]

By this time, Jerry and Joe had begun to wonder if they'd been lied to.

Still, they continued working for Detective, and Jerry even created several more characters for their magazines, including Robotman, the Star-Spangled Kid, and the Spectre (all of which continue to appear, though none on a regular basis, in various National Periodicals publications today).

In 1943, Siegel entered the army for a three-and-a-half year stint. Upon his discharge and subsequent return to the comics in 1947, he found the situation drastically different from when he'd left.

"National had stolen *Superboy* from me. I had submitted the strip to Detective for their consideration, and they had not accepted it. While I was in the army, I saw that they had started publishing the strip without notifying me or compensating me. In addition, Joe's artists were working directly for National. I felt there was a definite campaign on to take production of the [Superman] strip out of our hands, contrary to the terms of our contract."

The first lawsuit was instigated that year. Siegel and Shuster sought to prove that National had acted illegally in publishing the *Superboy* strip, that they (Siegel and Shuster) were entitled to an accounting of monies National had earned from the licensing and merchandising of Superman, and that, owing to the violation of the contract, they were entitled to ownership of the Superman character. There was also the matter of a comic strip entitled *Lois Lane, Girl Reporter*, which National published as a filler in the *Superman* magazine and provided to McClure for newspaper syndication, and which bore the credit: "By Jerry and Joe". Neither Siegel nor Shuster had ever worked on the strip.

In an opinion dated November 21, 1947, referee J. Addison Young of the New York State Supreme Court decided the case:

> *The terms of the contract of December 4, 1937, though primarily relating to the features specified therein, also related to future dealings between plaintiffs and Detective Comics as to other features and as to these other features Detective Comics, Inc. were given a first option to accept or reject them. In effect, therefore, the instrument of March 1st, 1938* [the release form signed by Siegel and Shuster for the first *Superman* story] *represented the exercise by Detective Comics of the option granted to it by the December 4th, 1937 agreement.*

That was that. National owned Superman, lock, stock, and cape.

Jerry and Joe *won* on the *Superboy* question, however, and on their demand for an accounting, and National was enjoined against further unauthorized use of their byline. A settlement between the parties, amounting to some $94,000, was reached in 1948. But, upon acceptance of that agreement, Siegel and Shuster signed away all rights to the Superboy character as well.

When lawyers' and agents' fees had been disbursed, Jerry and Joe were left with approximately $20,000 apiece. Two years later, they were broke.

Jerry went on to edit comic magazines for another publisher, Ziff-Davis. "When I was hired, I was given certain promises about how well they would take care of me if I came up with some hits. When I came up with the hits and I asked that they keep their word, why, they fired me. Then I became destitute.

"Now we enter the next phase. Impoverished, with a newborn child in the family, I pick up a newspaper and read that National has signed a $30 million television contract for Superman. I blew my top, and I wrote notifying the media that I was going on a hunger strike in protest. As a result, National sent emissaries around, and I began receiving small checks, which, over a period of years, reached the amount of $135 a week. This went on for many years until, in 1959, I managed to interest National in having me write for Superman again, this time at regular comics rates and with no byline."

(It should be mentioned, in fairness, that by the time immediately preceding Siegel's induction into the army, the amount paid for each thirteen-page Superman story had risen significantly, from $130 to $1000 per episode. Up to March, 1947, Siegel and Shuster had earned some $400,000 from their work on *Superman*, including certain royalties on merchandising and residuals on *Superman* stories written and drawn by artists other than themselves. It must also be understood, however, that a substantial portion of this amount went to pay other artists in Shuster's employ, that prior to 1948 there was no assurance the royalties were computed honestly, and that the total covers a ten-year period.)

From 1959 to 1966, Siegel remained with National, churning out as many as three scripts a week, attacking the work with, if anything, more gusto and fervor than in the early days. "I really gave the stuff everything. Here I'd originated Superman, written it for ten years, then I was off it for ten years," he says, voice rising with emotion, as if speaking about an addiction, "and when I came back I had this tremendous desire to give the character a lot of dimensions and humanity which I felt I had not done in the earlier material."

At least two of the yarns Siegel authored during this period are counted as classics by comics aficionados. "The Death of Superman", an "imaginary" speculation on the events surrounding the hero's genuine demise, won comic fandom's best story award for the year it appeared. "Superman's Return to Krypton", in which the adult Man of Tomorrow enters a time-warp and is hurled back to the planet of his birth to meet his parents, fully cognizant of what awful and unalterable destiny looms in their future, left the audience without a dry eye.

Moreover, despite all that had gone before, Siegel continued to originate new characters for the *Legion of Super-Heroes* strip, a spin-off from the contested *Superboy* series!

This seven-year burst of renewed creativity came to a conclusion, however, when hope surfaced of regaining ownership of the Superman character by securing the renewal copyright. Siegel left National again, forced to

do so by a policy which has become standard operating procedure in the comics industry -- the back-of-the-check "contract", whereby the writer or artist supposedly surrenders all rights to his material by the simple act of endorsing his paycheck. (More on this momentarily.)

Siegel and Shuster took their case to court again, and after ten arduous years of litigation, lost decisively. The validity of the 1938 release form and the 1947 court decision was reiterated and upheld by the U.S. District Court and the Appellate Court.

Siegel and Shuster's lawyers, the Coudert Bros. firm, advised against an appeal to the Supreme Court. And National Periodicals -- by this time part of the massive Warner Communications conglomerate which also owns Atlantic Records, Warner Bros. Records, Elektra/Asylum/Nonesuch, Warner Bros. Pictures, and various other publishing and entertainment enterprises -- held out the possibility of some sort of settlement *after* the Supreme Court appeal, or if no further litigation was undertaken.

"There was no wrong done them [Siegel and Shuster]. Nobody asked them to sue. And if they hadn't, they'd still be making $100,000 a year a piece."
—Jay Emmett
Former Exec. VP, Warner Communications

The case was dropped. Months passed in which Siegel and Shuster received no further word on an arrangement with Warner. Finally, upon announcement of the Salkind-Spengler movie deal, Jerry and Joe took their case to the public, appealing for relief on ethical rather than legal grounds. The appeal took the form of a nine-page, single-spaced "press release" from Siegel, detailing much of his correspondence with Liebowitz during the late 30's and early 40's, decrying the condescending attitude of comics publishers toward their creative personnel, calling for a boycott of all Superman magazines and merchandise until his creators were given their due.

To get Warner's reaction to the Siegel press release I arranged to visit Jay Emmett, executive vice president in charge of publishing for Warner Communications. To reach his office, you ride an elevator 29 stories up from the streets and emerge into a corridor walled with burnished stainless steel. The ambience is one of entrapment, as though you'd risen 290 feet to emerge into a subterranean bank vault. A dignified male receptionist sits behind the desk in the waiting area, which is as silent and sepulchral as the corridor. After ringing Emmett's office, the receptionist queries me in a murmur about the weather. I murmur back that it's swell. We hear each other perfectly from opposite sides of the room. A secretary appears from the interior corridor, escorts me to Emmett's office. She is bright, cheerful, but she murmurs, too. She asks if I'd care for coffee. I say yes as she announces my entrance.

Jay Emmett, in shirt sleeves, seated in a swivel chair behind a low, heavy woodblock table, motions me in with a broad sweep of his arm, indicating that I should make myself comfortable on one of the thickly-upholstered sofas that ring the table. I do so. The secretary brings my coffee. On a tray. I ask Jay Emmett -- who never murmurs -- how he feels about Jerry Siegel and Joe Shuster.

"Warner Communications bought National Periodicals about six years ago, and all of the lawsuits between Siegel and Shuster and National predated us by about 20 years. However, putting legalities aside, the simple fact remains that Joe Shuster and Jerry Siegel created a very popular comics character, they may have created a whole comics industry by doing so, and Warner or National has a moral obligation to take care of two destitute creators of what became an industry." He is sincere, forthright, to-the-point. Eye contact good. Clearly executive material. But he is also the nephew of Jacob Liebowitz. Caution is advised.

"Your own relationship with Superman goes back farther than that, though, doesn't it?" I ask. "You were president of Licensing Corporation of America?"

"I started LCA in 1955 and sold it to Warner in 1968. One of our clients was National." It was Jay Emmett who put Superman's picture on all those lunch boxes. "Superman has always been a very cyclical character for licensing. Some years we made $15,000, others $300,000. As far as National is concerned, you gotta say there've been millions over the years made by Superman."

Back to Siegel and Shuster. "There was no wrong done them. Nobody asked them to sue. And if they hadn't, they'd still be making $100,000 a year apiece today. Even after the lawsuit, Siegel was rehired. Then he sued again. How many times do you give a guy a job back?

"No matter what we do, we're still gonna be the black hats, even when we pay them. The TV guys come into this office, which is rather opulent, I suppose, and then go to Shuster's apartment -- and I gotta come off a terrible man. I was gonna meet 'em in the mail room, but that's also opulent! Look, I think it's the right thing for a corporation to have a conscience. It sounds like a fucking platitude, but I really do believe that." He says this with conviction.

But he tenses slightly, squints, when I mention the public relations problem Siegel's press release is causing Warner. The story has been picked up by the Washington *Star*, the New York *Times*, the Associated Press; Siegel and Shuster have appeared on Tom Snyder's *Tomorrow* program and are slated for an interview with Barbara Walters. Emmett pauses, ponders, remembers I'm writing for *Rolling Stone*. Then: "Write your article, NBC have their show, CBS, ABC, they're not gonna keep this up. It's gonna be a dead story in two

weeks, whether we do something about it or not. Stories don't last forever."

Siegel and Shuster -- and Neal Adams, the comics artist who has taken on the task of negotiating their case with Warner -- are aware of this. Reluctantly, they steel themselves to shoot their last big wad, a news conference at One Times Square with the backing of the National Cartoonists Society and the Academy of Comic Book Arts, presented under the auspices of the New York Press Club. If this doesn't turn the trick, they've had it.

The conference is a success. Major newspaper strip artists are everywhere in attendance. A telegram of support arrives from Milton Caniff. Kurt Vonnegut puts in an appearance. The networks, the local media send camera crews, sound men, reporters. Statements are read. Jerry and Joe are introduced to the reporters. Questions come fast and pointed. Siegel fields them adroitly, candidly. Shuster nods his head charmingly, enthralled and a little amazed at the attention suddenly heaped upon them. In the end, the fourth estaters exit believers in the cause.

Warner takes note and proposes what verges on an equitable settlement. After nearly 30 years of remonstration, conciliation seems at hand.

Even after all the notoriety, the furor, the righteous indignation, however, most of the story has gone untold. Whatever the outcome of their situation, Siegel and Shuster are but the tip of the iceberg, the most glaringly visible manifestation of a mindset and system of policies that have kept comic book writers and artists in chains since the nascent days of the industry.

From the beginning, comic book publishers have considered their product shlock -- *lucrative* shlock, to be sure, but shlock nonetheless. "The publishers," says Neal Adams, "have no respect for their product and therefore none for the people who produce it. Comic book writers and artists are considered a little bit crazy -- otherwise, why would they be doing comic books?"

Also since its early days, the field has attracted young artists, young writers -- eager, inexperienced, and, especially during the war years, hungry.

Jerry Robinson was one of those youngsters. Now a newspaper strip artist and past president of the National Cartoonists Society, he entered the comics field in the early 40's. "I worked on Batman. I named Robin, and I created the Joker. Joe Shuster used to work at the next desk from me. We were buddies. We used to double-date. It was a marvelous field then, like the beginnings of the film industry when everything was new. There was the first time you'd do a continuity shot, the first time you shot through a knothole in the floor, the first time you did a panoramic panel. It was an exciting new medium, and we were inventors."

Bob Kane, the creator of Batman, made a million-dollar deal with National rather than attempting to reclaim ownership of his creation -- this from Jay Emmett. Bill Finger, however, who wrote the first Batman story and, according to Robinson, created many of the villains and supporting characters, died in poverty. [*Bob Kane's signature was on the strip; Finger's wasn't.*] The publishers are selective about dispensing their favors.

"We didn't know what our rights were," Robinson recalls. "We were certainly aware of the characters' popularity. We were minor celebrities with kids. But it was so new. We were feeling our way. We had nobody to turn to. There were no rules. The screenwriters, the songwriters were just getting organized then, and we were even more dispersed. All of us created properties then and never even thought of our residual rights. We were naive enough to think that if this was successful, we were going to share in it somehow. The publishers did lead us to believe that. They were very paternalistic."

That paternalism persists today, but, partly as a result of the Siegel and Shuster matter, with the bitterness of a vengeful father whose children have reached rebellious adolescence and have dared to question his omnipotence.

Unlike most fathers, the comics publishers do not aspire that their children grow up. They've made examples of Jerry and Joe, and the writers and artists have learned their lesson all too well: don't make scenes at the dinner table, don't embarrass us in front of our friends, or we'll cut off your allowance.

The operative theory seems to be that comics artists and writers ought to consider themselves fortunate to have such permissive parents. Who else's dad lets his kids sit around making up stories and drawing funny pictures all day while mooching off the household?

One six-year veteran of the business puts it this way: "I've seen guys come into the office practically trembling because they needed their checks really badly, and have to pussyfoot around with an editor who castrates them by telling them how bad their work is, who makes 'em sweat by waving that check in front of their faces while they wonder whether they're gonna make it to the bank before three o'clock. Just as an extra hassle the creator has to go through, the check gets dangled before him while the editor delivers a spiel about, 'Well, now that we have your work, we don't know if you really *deserve* this...'"

Nor do the hassles end when the writer or artist does get to the bank.

Release forms like the one mailed to Jerry and Joe in 1938 have become obsolete. Too risky for the businessman; the creators might refuse to sign. So today the instrument by which the author or artist supposedly divests himself of all claim to ownership of his works is stamped on the reverse side of his paycheck. An example of one such instrument is this one, printed on the back of every National Periodical Publications paycheck:

CHECK VOID IF THIS ENDORSEMENT ALTERED

This check is accepted as payment in full for the work performed, and literary and artistic property in said work; by the undersigned in connection with the story, copy, continuity, characters artwork and/or manuscript described on the detachable portion of this check, and of all the undersigned's right, title and interest, if any, thereto. The undersigned affirms that he was engaged by National Periodical Publication, [sic] Inc. to produce said work, and it has the full and sole right to copyright said work and to renew and obtain extensions of copyright in its own name for its

sole benefit; that it has the full right of ownership therein and full rights of ownership in the use of said property for publication and republication in any form or media and for transcription by dramatization, movies, television, broadcasting, advertising, or for any other use, treatment, or adaptation and to alter same.

*Signed*_____

In order to be paid for work already completed and delivered, the creator signs away all rights to characters, stories, reprint residuals, residuals on foreign sales, merchandising rights -- the whole enchilada.

At least one authority on copyright law, who prefers not to be quoted by name, posits that this sort of instrument might be deemed "unconscionable" in a court of law, as no prior agreement to its terms exists between the creator and publisher. Generally, the first time a writer or artist sees or hears of the statement is at the bank, just prior to making out the deposit slip. Forewarned is, after all, forearmed. So why should an intelligent publisher forewarn anybody? Let 'em find out for themselves -- the day before the rent is due.

Comic book artists and writers are still paid on a per-page basis, not by the hour or by the job, unlike freelance writers and illustrators in other fields. There's a reason. When printing and engraving costs go up, the publishers can make ends come slightly closer to meeting by chopping a page off the editorial matter of a book. In the past five years, comics have declined from an average of 2[illegible] pages of story matter per issue to 17. So although page rates have risen dramatically since the 40's (rates for writers now average about $18 per page; pencil artists around $40; inkers in the $25 range), it's all the creator can do to keep pace with inflation.

"It must be understood that the comic book industry is 20 years behind the times," states Neal Adams. "Therefore, the guys who run the companies still approach the question of the rights of artists and writers the way they did 20 years ago: it's the job of the creative person to produce for the businessman and the businessman's job to make money. Anything the writer or artist does is like piecework in a factory."

Written contracts, such as the one negotiated by Siegel, Shuster, and Liebowitz in September, 1938, are virtually non-existent in comics today. So far as anyone knows, only two writers -- Robert Kanigher at National and Roy Thomas at the Marvel Comics Group -- have obtained on-paper agreements with their publishers. Artists fare slightly better in this regard, but the terms of comic book contracts today are actually *less favorable* now than what Siegel and Shuster were able to obtain. About the best a writer or artist can get nowadays is a guarantee from the company of a specified number of pages per month of work at a fixed rate. No additional rights to the material, rarely even a paid vacation.

In return for its promise the writer or artist won't starve, the company gets *everything*: "There's a clause in Marvel's standard contract," writer David Kraft observes, "that says they can use your name and likeness in any manner to promote the books." The writer or artist who signs even sells his face.

Not that the companies are shy about appropriating the use of such bodily parts even of writers and artists *not* under contract. "They'll use your name and face on a calendar," Kraft laments further, "and not even give you a copy of the thing."

The advent of comics fan conventions has opened yet another door for the exploitation of artists and writers. Of late, the companies have been running these conclaves themselves. Marvel had its convention in 1975. National will stage a "Superman's Birthday" extravaganza in February, 1976. The fans pay money for admission to these events. The publishers profit. The writers and artists are expected to attend without pay, as they do conventions staged by fans.

It never ends.

AFTERWORD: WHERE WE STAND TODAY

Shortly after the press conference at One Times Square, Warner Communications announced that the company would pay a yearly stipend to the creators of Superman. Siegel and Shuster each would receive approximately $30,000 a year for life. Warner has honored this agreement and, according to some sources, even increased the amount voluntarily when the Superman movies proved successful. Jerry and Joe also received proper credit on all four motion pictures, and their "created by" credit now appears on every Superman comic book story.

Jerry Siegel no longer has to work in a mail room. He spends his time writing, originating new comics characters and concepts. (I had the privilege of working with him on one of these -- *The Starling*, which was published as a back-up feature in *Destroyer Duck*.) His imagination is still as fertile as it was on that sleepless night in 1933.

Joe Shuster is no longer a penniless recluse. When his health permits, he even attends an occasional comic book convention.

To the best of my knowledge, neither Jerry nor Joe was consulted when DC decided to "revamp" Superman.

Jay Emmett no longer works for Warner Communications. A few years after the Siegel and Shuster tumult, he was implicated in an elaborate stock and embezzlement scandal and was fired.

The comic book industry has changed since this article was written, but not enough.

Twelve years ago, the roster of mainstream comic book publishers consisted of Marvel, DC, Archie, Western (Gold Key), Harvey and Charlton. Most comics were still sold from newsstands. The only publisher in the category of today's "independents" was Mike Friedrich's Star*Reach Productions, which then occupied an ill-defined niche somewhere between the mainstream comics and the undergrounds.

In the late 70's and early 80's, with the growth of the direct sales market, we've seen the advent of Eclipse Comics, First Comics, Fantagraphics Books, Dark Horse, Comico, Vortex, and many other independent publishers that allow creators to retain copyright on their works and share at least *equally* in the profits they generate. Marvel's Epic Comics division offers similar arrangements to creators.

Even at DC and Marvel proper, creators of new characters now receive a 20% share in the merchandising of those properties. At these companies, however, the terms and amount of the creators' share is determined entirely by non-negotiable company policy, and the rights granted to creators are limited solely to financial compensation. Editors and publishers can still dictate the creative direction of a strip. If the writer or artist balks, he can still be fired, at an editor's whim, from the strip he originated.

At both major companies, and even many of the independents, work is still usually performed and paid for on a piecework basis.

Written contracts for writers and artists are no longer an oddity. At Marvel and DC, the terms of such contracts, however, still mainly consist of a guaranteed number of pages per month at a fixed rate per page.

Page rates have increased substantially, of course. The top rate now paid to non-exclusive writers at Marvel is about $60 -- more than three times the average rate in 1976.

At Marvel and DC, creators are still expected to sign away all rights to their material, the only change being that the supposed "contract" has migrated from the back of the paycheck to the voucher form. DC's voucher requires the signatures of both the freelancer and the company's representative; Marvel's remains a one-party "contract," signed only by the freelancer. Checks are not issued until after the voucher has been signed, which makes these instruments less favorable to the freelancer than the release form that Siegel and Shuster signed in 1938.

A system of royalties and reprint fees has been instituted at DC, but, as with the creators' share in merchandising, all amounts and percentages are determined by the publisher and are non-negotiable. To its credit, DC makes a serious effort to seek out artists and writers who no longer work for the company and pay any reprint fees and royalties due.

Marvel pays reprint fees when it feels like it -- usually only to persons currently employed by the company—and offers a system of "incentive" payments based on a percentage of cover price for copies sold. Unlike DC's royalties, the Marvel "incentives" are not guaranteed in writing, and Marvel is in no way obligated to pay them. The amounts and percentages may be revised, upward *or* downward, at any time and at the company's sole discretion.

No organization comparable to the Writers Guild of America, ASCAP, or even the National Cartoonists Society, which acts as a watchdog group but not a collective bargaining agent, yet exists to protect the rights of comic book artists and writers.

Comic book creators continue to die in poverty on a regular basis.

A Personal Note

When I began working on this article almost thirteen years ago, I had very little understanding of concepts such as "collective work," "work made for hire," "ancillary rights," "royalties," and so on. And, as is the case with most artists and writers, my *desire* to understand was minimal at best. It was my belief that "artist" and "businessman" were irreconcilably separate species, as alien to one another as "cat" and "rhinoceros." The artist who wished to remain pure and devoted to his work kept himself aloof from the crass, corrupting, materialistic influence of business.

My feelings were different by the time I had finished the article. By then it was clear to me, if nothing else, that the artist-businessman dichotomy was deliberately fostered and nurtured *by the business people* -- that it was to *their* advantage for creative people *not* to understand the intricacies of contracts and copyrights or the difference between legal obligations and verbal assurances.

As most of you probably know, in 1978, I was fired first from the newspaper comic strip of *Howard the Duck*, and then, a few weeks later, from Marvel Comics entirely. I had a contract -- two of them, in fact -- at the time, just as Siegel and Shuster did. What happened to Jerry and Joe had happened to me, though on a smaller scale and involving a character of less mythic proportions.

I sued Marvel. The lawsuit went on for years and cost well over $100,000. (Few attorneys will take a copyright case on a contingency basis.) Ultimately, the dispute was settled out of court. In the process, I found out more than I ever wanted to know about contract and copyright law. I am still not an expert in either field, but I've at least learned to recognize a red flag when I see one.

The particulars of the HTD case are of less importance than what it implies for all freelancers. You do *not* have to create the most popular comic book character in the world to fall victim to the Siegel and Shuster syndrome. You imperil only *yourself* by willfully remaining ignorant of your rights and of the true nature of business practices in comics and other areas of publishing.

When I returned to comics full-time this year, I knew I would have to re-establish my presence by doing work-made-for-hire assignments for a while. And I am. But I don't intend to do it forever. I'm not as strong as Jerry or Joe. I don't think I've got the stomach to fight a second lawsuit over some other "throwaway" character.

Keep Siegel and Shuster's long years of agony in mind each time you sign a DC or Marvel voucher and every time you read the words "work made for hire" above your signature. Ask yourself what traditions you're helping to perpetuate. Ask yourself whether you really feel invulnerable to the kind of strong-arm business tactics that, for a time, made a mail boy and a recluse out of the creators of Superman.

This year marks the Golden Anniversary of Jerry and Joe's 1938 release form.

Fifty years of screwing creators is about forty-nine-and-a-half too many. --SG

Will You Still Need Me, Will You Still Feed Me...?

Not so long ago, a certain Executive in the comic book industry, known for his unflaggingly inaccurate predictions of which books will sell and which won't, singled out Jack Kirby as an "uncommercial" artist and suggested that anyone remotely in Kirby's age range was likewise. This was a startling decree but even more startling were the names of the artists whom the Exec said *were* commercial. Three of the five he named were actively involved in tracing and/or emulating vintage Kirby material. One of them had just done a series of covers tracing old Kirby compositions.

It is a strangely puzzling notion that a young kid tracing Kirby art is commercial but Kirby is not.

This probably does not faze Jack Kirby who seems to have made good on his announced retirement from comics. But there are a number of artists, Kirby's age or perhaps a decade younger, who *are* trying to make livings in the comic book field today. Many of them, given what comics have traditionally paid, have no nest egg to fall back on if they cannot get work... and no retirement plan for the day when maybe their eyes fail them. For them, this kind of thinking is plain, old-fashioned ageism. It is deadly to a middle-aged comic book writer or artist trying to feed his family and make rent.

Those who do the hiring will wave sales charts and claim that the work of these older folks simply does not sell and, sometimes, they are right. Each company has its notion of who are the "hot artists." These are the artists who get the "hot books," the high-visibility assignments with all the promotion. "New look" is screamed from the rafters when an older artist is replaced by a young one. The company execs, no matter how old they or their views may be, would rather identify themselves and their editorial regimes with the young, the new, the different. If you don't have New Ideas, you can at least ballyhoo that you have New Talent... even if the New Talent often just imitates or follows what the Old Talent has done.

Lip service is paid to the "old-timers," of course, and the companies occasionally slip them a hot assignment when no young superstar is available. But as often as not, such assignments are looked on as charity: "See how nice we are? We gave this old guy an important project." The air is often thick with guilt.

And when a book by an older writer or artist does sell well, the company can always find an explanation that doesn't puncture their notion that the old guys' work doesn't sell. Consider this situation which happened not long ago. A certain company had an artist they considered their "most commercial," hottest young artist. We'll call him Fan Fave. They also had an artist we'll call Aging Pro whose main virtues to them were (a) he never missed deadlines, (b) he was quite willing to fill in on any assignment at any time and (c) he never bitched when stuck with a script no other artist would draw or an inker no other penciller would tolerate.

Fan Fave was doing a monthly book and suddenly departed because it was paying him no royalties. The company desperately searched for another of like marketability. None could be found so, long after the deadline for the next issue had passed, Aging Pro was hurriedly pressed into service and forced to draw the book at breakneck pace.

Everyone at the company predicted sales would plunge. And they didn't help matters any by terminating all promotion for the book and, in a few cases, quietly suggesting to dealers that they trim their orders on that book in favor of others. But everyone at the company was wrong. Sales went up, not down.

Aging Pro, of course, got none of the credit. The sales went up more than a few notches -- it was a major jump -- but when someone suggested aloud that Aging Pro had boosted sales, the company mind would have none of that. They suggested that Fan Fave's brief stint on the book had "set the direction" and attracted interest and, besides, Fan Fave was still doing the covers.

But then Fan Fave stopped doing the covers and sales *still* went noticeably up. Still, Aging Pro got none of the credit. The new rationale was that the over-all company was stronger and that the excitement about all their other books had boosted sales on the one Aging Pro was drawing. "Think how well this book would be selling if only Aging Pro weren't drawing it," they said.

He did it for a year or so of decent-selling issues... drew it until the book neared royalty level, whereupon a different young Fan Fave made it known that he craved the assignment. The company, thrilled to have the new young Fan Fave on its team, hurriedly dumped Aging Pro and gave him little other work to replace it. When sales started coming in on the young Fan Fave's issues, they were down. The company folks -- who *knew* they couldn't be wrong about who was commercial and who wasn't -- began suggesting that Aging Pro's work cost this book its following... but that it took a while for the effect to be felt.

The official company "line" is that Aging Pro is uncommercial. They have since given him work only when absolutely no one trustworthy was available.

This has happened many times. And, unfortunately, it is not always the companies that promote these notions; many of the "hot writers," aware of how important it is to their royalties to have the company solidly behind the book, avoid the older artists. They might work with one if the material has a special "nostalgia" content... but if the book is an ongoing, contemporary series, the "hot writer" usually wants whomsoever the company considers a "hot artist" and will so back with promotion.

Is it the content of the work that makes the difference? Possibly. Some of the older artists, it must be admitted, get locked into certain cliches of layout and design. This is especially true when they are drawing scripts that afford them nothing to draw that they haven't drawn many times before. Many of the younger artists are a lot less versatile but their cliches haven't been exposed enough for readers to become sick of them.

Moreover, many of them are such fans of the comics they're drawing that their work instantly captures every character they draw. If you assigned Aging Pro to the

same book, someone with editorial insight would have to work carefully with him to fully explain this comic that he hasn't been avidly collecting for ten years. Aging Pro might need good scripts and bit of editorial encouragement to get him inspired to work hard on the comic, whereas New Pro is so thrilled to be drawing comics, he'll knock himself out and do far more work than he is being paid for.

The enthusiasm is probably a key reason why companies like new artists. Another is that any "new artist" might, with the proper promotion, develop into a superstar whose name alone causes dealers to order books that aren't even drawn yet. The ultimate "stardom" of Aging Pro is pretty much set. He is what he is. But New Artist, even if he isn't all that good, might someday become the new Frank Miller. And dealers (and collectors) will overbuy New Artist's books in the hope that they will someday be as sought-after -- and therefore, as valuable -- as Frank Miller's early work. And, of course, New Artist is dying to get to conventions and bookstores to sign autographs...

Creating a Nuisance
HEY--GET YER HANDS OFFA THAT STATUE--
--DAMN THING COST A FORTUNE!
EJT OFFICER --WE MADE HIM UP--
© 1988 Steven Bissette

Another problem the veteran writer or artist faces is that many of the folks who have the title of "Editor" at comic book companies these days are spectacularly unaware of past credits... or perhaps uneasy about employing someone who knows more than they do about how to do a comic book. Consider the case of one long-time comic book artist and his current standing at one particular company. He has worked on and off for the house for over thirty years, has generated thousands of pages and was involved in the design and creation of several of their most notable still-running characters. And he remains amazed at the number of times recently when someone with the title of Editor at that firm has asked him if he's ever worked for the company before and then, when told that he has, what books he worked on. Recently, he solicited work on a character that he designed and was told that his style wasn't right for the character. The book was ultimately assigned to a younger artist and, while the Veteran Artist shared a "created by" credit and received honors galore in the text page, he would much rather have had the work.

Other such problems abound, but the main reason companies like New Artists is probably the following...

As long as you have New Artists and you can make them your stars, you don't have to be that nice to the Old Artists.

That is, alas, key to the problem. New Artist is so excited someone is actually *paying* him to draw comic books that for a certain amount of time, you can do almost any damned thing to him and he won't complain. Eventually, of course, he'll wise up and bitch when treated badly... but, by that time, you can decide his work is "uncommercial" and bring in another New Artist. As long as there's a New Artist with a portfolio lurking in your waiting room, you are in relatively little trouble when the Older Artist -- who may not even be that old -- complains that he has been cheated, lied to, underpaid, etc.

Modular artists: That's the key. At the major companies, the main assets are the characters they own. The editorial intelligentsia being what it is, new superstar characters are unlikely to be created but the old ones can always be kept alive. That does fine as long as no writer or artist can ever become identified and indispensable with a company property; such a situation would make the writer or artist difficult to replace with that New Kid sitting in the waiting room. So the companies keep committees in creative control of their most valuable characters... one writer handling him in this book, another writer handling him in yet another. The gang-bang approach limits what any one person can do with the character and it occasionally becomes necessary, when the committee approach sinks the character in a morass of conflicting interpretations, to briefly declare a "new look" and hand the book over to one creator in particular. But if you're in the business of promoting characters you own and not talent you employ, that situation is to be avoided.

The problem of ageism has everything to do with

this perceived need to keep the writers and artists all modular. The company does not like the notion that they have any special indebtedness to a writer or artist who has sold a lot of books for them over the years; possibly even created one of their important characters. They prefer the notion that the veteran can easily be jettisoned and the first kid in off the street can be assigned to the vet's book. Even when a writer has poured his soul into a character, the company recognizes no special creative obligation to that writer. Tomorrow, a New Kid can be on his book, undoing what he did, while he is without work.

A company may choose to argue that an older writer or older artist is producing substandard or non-commercial work. But over the years, we've too often seen that value judgment made of a creator who had recently clashed with the company over matters of finance and ethics. Or too often, it has been made because the company's editorial leadership simply has no ideas on how to make their books seem fresh other than to get different names in the credit box.

We have cited no specific examples here because to do so would have required us to mention by name some of the "old pros" who are currently trying -- and in some cases, struggling -- to make a living doing what they have done for years. That would only have embarrassed them, perhaps heightened the problems they have finding meaningful work.

But the problem does exist and everyone knows it. One longtime artist, whose work is actively imitated by newer talent, told us, "Back in the sixties, when I asked about retirement plans and things like that, editors told me that I would always have work... that was the *quid pro quo* for no insurance, no pension plan, no reprint fees. Now, those editors are long gone... on pensions, most likely. And I'm lucky if I can get one book a month to ink over a kid who can't draw but they figure I can fix it up for inker's rates. I don't mind inking someone who draws better than I do but, God, some of the stuff I've been given..."

Another longtime artist: "It's damned embarrassing, that's what it is. I worked for that company for twenty-some-odd years, did thousands of pages. And now, when I call up and try to get work, some Editor asks me how to spell my name and tells me to send samples of my work.

"They tell me my work doesn't sell but when I ask them what does, they show me stuff that is very badly drawn in some cases. Or if it's good -- and some of the new guys are very good -- it's on a book that's interesting, a real exciting script or something. I say to them, 'Let me have a crack at this book.' I tried reading some of the books and a couple of the writers were doing things I could really get into drawing. But when I asked for their books, I was told that that stuff was all locked up and promised to others and they gave me a book that needed an artist. It was a licensed thing and I guess no one else wanted to draw it. A terrible idea for a comic with terrible designs and a godawful script and they're giving what I pencil to a terrible inker, which makes it doubly hard for me to draw it, knowing that two-thirds of what I do will never make it to the printer. I took it because I need the work but I probably shouldn't have. It won't be any good and it won't sell...

"And I know who they're going to blame when it doesn't..."

The problem of ageism has everything to do with the perceived need to keep the writers and artists all modular. The company does not like the notion that they have any special indebtedness to a writer or artist.

Next Issue:

Self-Publishing!

The pleasures, pitfalls, and pure temptation of Publishing It Yourself. Already slated: pieces from Alan Moore and his upcoming foray into the field...Dave Sim on the nuts and bolts of How To Do It..and insights from other self-publishing artists and writers who've made their names (and, in some cases, fortunes) outside the shadow of the Big Two.

Plus, as always, letters from our growing readership, rumors and innuendo straight from the San Diego Con, and an informative little artifact called *The Freelancer Is Always Wrong*.

WAP! #5 will be in the mail on or about August 15th. If you're not already a subscriber, get your check in now to WAP!, 1879 East Orange Grove Blvd., Pasadena CA, 91104 Back issues of all numbers are also available through the same address, for $2.50 an issue.

Stephen Bissette:

THE POLITICS OF COWARDICE, Pt. 1 (cont.)

A note from the editors:

Last issue, Steve Bissette described how he had written this piece for the Comics Buyer's Guide, *in response to DC's announcement of the ratings systems that they now deny ever existed. The introduction was excerpted as an "editorial" by CBG, the rest never printed. (One section, which will appear in a future issue, eventually saw print in* Comics Interview.*) As Steve put it, "I know that ratings are now considered a 'non-issue' (to quote a fanzine that is nonetheless bending the 'non-issue' into a 'pseudo-issue'). But many of the elements at the heart of the 'non-issue' were obscured in the heated mudslinging, and while the defeat of DC's ratings were a victory for us in many ways, the assumptions and undercurrents that led to the debate have yet to be fully exposed and understood." As Steve himself pointed out, parts of this series are now dated, but provide necessary context for the rest of the series. The body of this piece was written in early 1987; aside from where it mentions the Michael Correa-Friendly Frank's case, it has not been rewritten to accommodate changes in the scene that have occurred since then, and we ask that everyone keep that in mind while reading it. The serialization will continue over the next several issues.)*

"Now, more than ever, it is evident that 'good taste' only refers to that which reinforces the status quo. True liberty, as always, is elsewhere; freedom remains as elusive as ever."
-- Andre Peret

Whether the contents of Geppi's letter and 'Special Report,' coupled with Buddy Saunders's statements, were motivated by genuine outrage and concern or to test their power in the comics marketplace, the end result was the same: DC responded with the "standards and practices/ratings system."

Why couldn't DC be as courageous as their best recent issues? Why didn't they welcome the maturing of the comics form and support the freedom of creators to realize their visions using as vehicles the characters and books of the DC line? Why did DC rush to cover its ass when attacks on the mature contents of their remarkable 1983-'86 run of successful and innovative titles were, for the most part, only *imagined*?

To a great extent, they were trapped by their paternalistic (though, under the current DC regime, it might be maternalistic) view of freelancers as a part of the family, no longer "the kids" but feisty teenagers, some pampered, some only tolerated, all requiring kisses or spanks from Daddy/Mommy DC. (This imagined relationship is not uncommon among either comics companies or American business at large.) Puberty never comes easy, and in the midst of it, childhood looks attractively simpler. Despite the prestige and financial rewards that accompanied DC Comics' growing pains, the company backed away in panic from its maturing youngsters. It was apparently inconceivable to DC that "the teens" should be involved in adult decisions, and so DC manufactured the ratings/standards and tried to pass them off as a new security blanket.

In doing so, DC materialized it own worst fears, creating a very real and tangible problem for itself and for the creators who work for and with them. This materialization of fears is the culmination of a perverse, collective death wish. At its core is the 'wish' that comics might be important enough to draw the social and media attention given to the rock industry, facing off against the 'wish' to avoid a replay of the 1954 purge. In various publications (notably in *Comics Journal* #85 & 88), nervous creators, distributors and journalists fanned the flames of 'self-regulation' and set the stage for publishers to relieve them of responsibility by imposing controls on the comics they produce. DC complied with the distributors' demands.

What do they all 'wish?' They 'wish' to take creative control of the very substance of their livelihood, the comics -- the 'product,' as they like to refer to it -- from the creators, because the writers and artists who create the stories, the writing, the art, the characters and the books -- are ultimately the only *real* items of value on the entire merry-go-round.

By suddenly asserting their market control, retailers, distributors and publishers have forced the creators to take a stand, which accounts for the entire messy state of affairs at present. It's a very clear-cut issue for the creators: we either retain control over our own creations and destinies, or we willingly relinquish it to the aforementioned 'powers-that-be.' It is not presented as clear-cut by our opponents; all kinds of motives have been ascribed to creators.

The upshot, of course, is to manufacture a rationale for the battle. They hint at creators as rebellious children who must be brought under control for their own good, as posturing hacks and 'entertainers,' as workmen attempting to usurp the role of the companies as the *true* creators of comics, and, at worst, as mad dogs. This last image presents special problems for the companies: should these dogs be allowed to run, be tied, be muzzled, or sedated, or exterminated by putting them to sleep once and for all? The 'mad dog' analogy isn't that absurd. No one can decide because without these 'mad dogs', there would be no comics industry. What's worse is that some of the *really* rabid dogs have produced comics that outsell those produced by the manageable and cooperative dogs. Trying to tie those crazed canines up, the publishers and merchants are getting bit, and seem to be ridiculously surprised that 'the industry's best friend' is capable of such unruly behavior.

Let me climb down off the soapbox long enough to discuss the act of creating (specifically, writing and/or drawing) a comic book. I should preface my remarks by

saying that I'd hardly hold myself up as a model professional. That's nothing I'm proud of, but my points have nothing to do with whether or not I make my deadlines with punctual regularity.

Picasso once said, *"The chief enemy of creativity is 'good' taste."* As a creator, I strive to explore and express my imagination with all the clarity, skill and emotional impact I can muster. It is, for the most part, a completely *amoral* process that possesses its own integrity and truth, and that's something I can neither justify nor apologize for. As a freelancer, I can often satisfy my editor and publisher as well as myself. But I cannot make my every creation a 'positive role model,' neatly fitting all 'community standards' and accommodating all possible moral and religious beliefs. Neither can I satisfy a publisher who demands that from me. I can't please everyone and it's not in my creative interest to. No one is forced to buy, sell, read or like my work. Only the audience controls that final step of the creative process by *choosing* to purchase the creation itself.

Greed is hardly a deciding factor in the actual creative process, though such was implied in so many snide asides in the CBG flurry of editorials and letters during the ratings wars. Alan Moore, John Totleben and I were able to collectively steer our imaginations toward realizing, at DC's request (i.e., we accepted the 'job'), a 'new direction' for their character, Swamp Thing. The resulting stories and art were inspired by a genuine chemistry we all felt, the vision we all shared. Given the blessings of our editor, we found the character and book an ideal vehicle for our creative vision, for a time. It was a rare and wonderful experience, and though the end result was, for DC, a renewed character and a moderately successful title, we all worked for a modest page rate, the only additional money coming from occasional reprints. Greed was not a motivating factor at all. Nor, despite the subsequent and deserved success of their books, would I presume to accuse Alan and Dave Gibbons of creating *Watchmen* for the sake of the almighty buck, nor Frank Miller's reworking of Batman in *Dark Knight*. We can all recognize the soulless, commercially molded product crafted by committee that is manufactured and marketed solely to make money. To fling mud at those creators who opposed the imposition of 'ratings and standards' on their work by implying that money is at the root of their feelings is insulting. It belittles those who have made a good living for themselves with their creative efforts, begrudges them the success that also feeds the merchants and publishers, and simply ignores the reality of those creators who barely get by, if that, on their earnings.

Similarly, editorial cheap shots have included: offhand dismissal as 'pornography' any titles that lie outside the narrow perimeters of CCA approval; the caricature of all Christians as Falwell-driven fanatics, desperate to censor; the promotion of the myth that 'Bible Belt" is synonymous with bondage of the mind and spirit; insistence that creative freedom can only cause *"the marketplace to become a dumping ground for every sort of graphic fantasy that someone wants to live out"*; glib portrayals of DC Comics and certain distributors as malicious villains and malevolent enemies of freedom; the implication that given free rein male creators will prove themselves misogynists capable only of "gynecological studies" and hence in need of regulation.

Amid such petty digs and self-serving squabbling, expressing the whims of purely emotional impulse (whether fear or outrage, cowardice or rebellion) with little thought of consequences, the heart of the issue is trivialized and obscured.

There is no easy solution, as DC Comics has discovered, much to their regret. Perhaps their grossly misconceived attempt at a solution will ultimately prove beneficial, if only as a focus for serious public consideration of the issue. But solutions must begin with careful assessment and understanding, and the determination to defend, if necessary, the fruits of our labors as creators, as publishers, as merchants.

In the face of the Friendly Frank's case, those of us who savor the freedom we have tasted must rally to the shop's defense, if only to preserve Frank Mangiaracina and Michael Correa's right to sell the material we know we have the right to create. The hand of God will not strike us down. The ghost of Wertham past will not rise from the grave to rekindle his crusade, nor will we be struck blind with hair growing on our palms. We mustn't embrace the fear of that which has *not* happened, nor dread what *might* lurk around the corner. Otherwise, paralyzed by indecision, afraid to defend the 'work' that is the focus of our efforts, we will give form to our own worst fears.

By giving our fears power, we will lose. Afraid of censorship, we will become our own censors. We will chain shut the doors of imagination, from which comes *all* that the comics industry and the art of comics is built on.

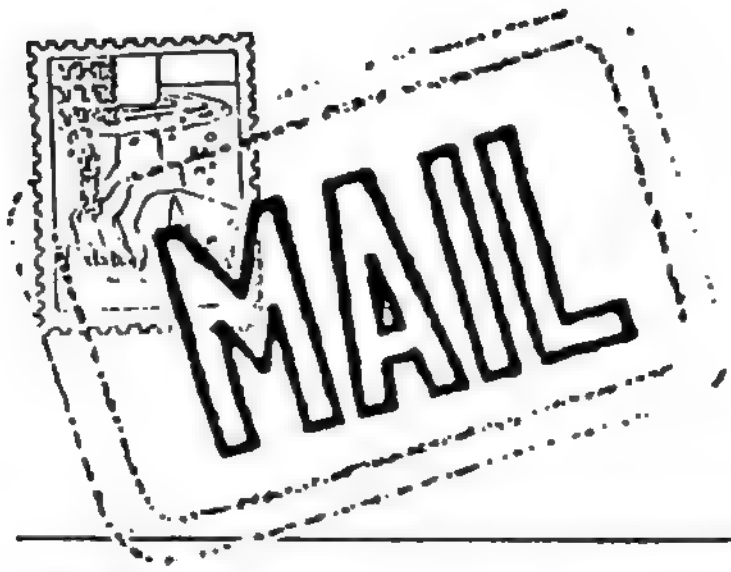
To be continued.

WAP! HAS A HOT, BURNING DESIRE FOR YOU...

WAP! wants articles, letters, cartoons, news, gossip, and entries for our Lexicon from all comic book freelancers...and that include you.

You don't have to be a "big name" in the industry. This is a forum for inkers, letterers, and colorists, too. If you want anonymity, we'll delete your byline on request. (Unfortunately, we can't accept anonymous submissions; *we* have to know who you are.). The address for editorial contributions is:

WAP!
1879 East Orange Grove
Pasadena, CA 91104



Send letters to:

WAP!,
1879 East Orange Grove
Pasadena CA 91104

All opinions expressed in letters are those of the writers and do not necessarily reflect the views of this newsletter or its editors or publisher. All comics freelancers are invited to air their views in WAP!

Dear Editors:

Your piece on the Aircel press release was interesting but just reminded me that no one has ever publicly commented on the fact that Aircel was founded on the concept of buying all rights to characters, stories and art from a lot of talented newcomers who wanted to see their work published. Barry Blair had created *Elflord* years before Aircel began publishing comics, but Aircel now owns the character. When I interviewed Ken Campbell a year and a half ago for a short article I was appalled at the way he described his business and the sweatshop setup for artists and writers who had to live in, or move to, Ottawa so that they could come in and work 40 hours a week in the office so that he could be certain deadlines were met. Aircel briefly published *The Adventurers* but had a falling out, perhaps because the creator of *Adventurers* couldn't handle Campbell's publishing philosophy. The bright spot I see in all this is that their newest title, *Shadowalker*, is entirely creator-owned. Considering that the independent comics market came about as a reaction against the "engulf and devour" philosophies at Marvel & DC, I always felt that Aircel was a big step in the wrong direction. But at least their *Stark Future* also seems creator owned.

The inherent danger in Aircel's approach was exemplified in the short-lived *Silverwolf* comics line, published, edited and written by Chris Silver. The one time I met him, I mentioned sending some proposals to him but he stated that he owned everything he published, "because I invest the money and take all the risks. Artists and writers don't take any risks in publishing comics." I submitted no comics character scripts or ideas to him. He was publishing comics like *The Fat Ninja* and *Grips* (the latter seemingly written as though Silver had read *Dark Knight* and completely misunderstood everything about it, or deliberately misunderstood it. *Grips* was a comic which celebrated graphic violence--sort of as though Mr. A was a homicidal maniac). I was commissioned by him to do some articles for some comic-book-size, non-fiction magazines he was going to do, but last I heard from him he lamented that he thought his comics were as good as anything Marvel was doing. Shortly after that I found a small announcement buried in *CBG* from him that all his comics had been "temporarily suspended." I never heard from him directly again, even though he had commissioned articles from me. And this was the guy who said that freelancers don't take any risks. The bottom line was that Chris Silver said he patterned his comic company after Aircel, and was employing local talent the same way that they did. One can assume that he was writing everything himself because no one would create characters for him under his work-for-hire method.

Why not tackle some rumors from a few years ago which might be easy to substantiate now? For instance, I heard that when Archie suspended their superhero line which they'd briefly revived in the early Eighties, that they wouldn't pay for stories and art they'd commissioned and which they wouldn't be able to publish because all the superhero books were suddenly defunct. This involved such comics as *The Fly* and others which people like Steve Ditko were drawing extensively for. Was this just an unsubstantiated rumor or another example of how freelancers do take risks?

James van Hise
Poway, CA

Dear People,

Being a relatively new and somewhat starry-eyed newcomer to the freelance comics biz, the organization and publication of a newsletter of this type couldn't be more timely or appropriate for me and I must express my appreciation to Messrs. Gerber, Grant, Miller and Munson for their unifying vision and dedication to improving the creative freedom and rights of all comics freelancers. An organized forum like WAP! will, I feel, be invaluable in uniting us all and making our collective opinions and ideas carry more weight. The present and future state of the comics industry demands better dealings and communications between the creators and the publishers or the presently evolving growth and maturation I feel has begun, will stagnate. From what I understand, the comics industry is far behind other media in recognizing the value of fair, professional treatment of the creators upon whom they depend, and it comes as no surprise to see many talented pros lured away to other media where their efforts are more appreciated business-wise. What is there to entice creators to comics beyond their own love of the medium? Innovation and vision are required for the above-mentioned evolution and they are not cheap or common qualities. Anyone wishing to see comics perceived as a legitimate,

valid entertainment medium for adults as well as kids must surely recognize the need for mutually beneficial and highly professional business practices. These ideals, it seems, will be the focus of WAP!'s attention.

Of particular interest to me, in issue #3, was the announcement of a special forum on self-publishing for a future issue. As a freelancer with extensive experience in the small press field, contributing as well as publishing, I would like to take an active part in your forum. Work by me has appeared in dozens of small press books over the last few years. I've won several lettering awards, and, as President of the Collectors' Club in 1987-88, my duties included publishing our bimonthly digest-sized newsletter. I hope that my experience and knowledge gained may be of interest to others looking to learn more about the simple and gratifying area of self-publishing. It's the perfect way to avoid exploitation!

By the way, I would also like to compliment Bill's WAP! logo. I have long been a fan of Bill's stylistic art and his attractive, distinctive, and interesting logo is no exception. I do hope to see more art in future issues, though. While Miller's and Laird's cartoons are quite well-said, they are only two of a plethora of artists reading this publication. I am enjoying the articles, editorials, letters, news, lexicon, and especially the rumors and innuendo, but I'd dearly love to see much more art complimenting all the fine WORDS!

If there is anything I may contribute in the way of logos, titles, lettering for a strip, etc., please feel free to say so. I'd like to get more involved in this. If the department logos are not necessarily "permanent", then I'd be happy to send in several ideas I have. However, if you prefer to remain consistent, I understand that, too. There must be something...

A few more questions, and an offer.

First, a thank you to Tim Truman for reiterating the value of the "expendable" colorists and letterers. I admire not only Tim's fine artistic talent, but his fair, intelligent, open-mindedness, as well. The publishing projects he announces sound wonderful, also, and I intend to support them!

This leads into my next topic: will WAP! accept advertising? At all? From who? Perhaps by freelancers or those looking to hire them? Classifieds would be valuable for this and I understand they are already in planning, but what about display ads (for something like 4WINDS books, say?) Could you use some volunteer help in this area? I am willing to do whatever I can to help (i.e., handle mail, design, layout, whatever...) Perhaps someone closer to the publisher (Brad) would be more effective in the position of Advertising Manager, or perhaps you have an editorial stand against advertising (though it would supplement the budget). But I hope you will consider my idea.

Lastly, I just want to say, again, how pleased I am that WAP! has come to be. I found every bit of it to be valuable to me, as a freelancer, especially on how-to-deal-with and what-to-expect-from publishers. Some of what applies to artists and writers does not, it seems, apply to letterers. What sort of "rights," if any, do I retain on my "work for hire?" Reprint compensation? Return of my original work? Certainly not! I'd be very interested in hearing from other, more knowledgeable pros on this, in the pages of WAP!, or personally.

Susan Dorne
Waterbury, CT

We don't plan on running advertising in WAP!, but we definitely would like to run a regular page or two of "market notes" to help artists, writers, letterers, and colorists find each other and find work. If you're a writer seeking an artist for a new series, an artist seeking a writer, a letterer seeking a script, a colorist whose Dr. Martin's dyes are sitting idle, or an editor or publisher (yes, there actually are an enlightened few who subscribe to WAP! at the publishers' rate) seeking talent, drop us a note at the regular WAP! address. Be sure to include an address or, preferably, a phone number that we can publish, as well as all pertinent information about your project! *There is no charge for this service.*

We'd also like to say again that, yes, we want/need/are hot with desire for contributions of art and articles from all of you out there. We really don't want to publish a monthly manifesto by Grant, Gerber, and Miller (any more than most of you would care to read one). And Frank really doesn't want to do all the cartoons and department headers every month (he occasionally likes to find time to draw and write comics). And we really do want to publish the opinions of inkers, letterers, and colorists, not just writers and pencillers. Don't ask if you can contribute -- assume so! Editorial contributions can be sent to the regular WAP! address, or uploaded to the WAP! files area of the CompuServe Comics Forum or the Writers' Exchange BBS.

By the way, we're still looking for a volunteer to act as East Coast WAP! Editorial Board Member. Any interested parties should contact us immediately

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Dear Brad,

First off, thanks for your honesty regarding the first two issues of WAP! -- that is, they were sent out to other members of the freelance community free of charge and it was determined to be fair that my paid subscription not begin until everyone receiving WAP! was paying for it. This demonstrates a good deal of integrity, a valuable quality sadly lacking in many of the people infesting our industry. Tell you what -- if you will continue to send out free copies of WAP! to other freelancers, and in fairness to me keep prolonging the start date of my paid subscription, I promise to maintain that paid subscription FOR ALL ETERNITY!

Seriously, I believe that you and the Editorial Board are making an admirable attempt to bring frank and honest discussion into the creative community I'm proud to be a part of. The opening of a forum for discussion that could mean creative and economic survival to many of us is long overdue.

A few months back I sent letters out to some of my friends suggesting they give WAP! a look. To my knowledge only one of them has

responded. In the event that you will be sending out any more sample issues, I am enclosing a list of names and addresses of people I think would benefit from WAP! In the event you are no longer sending samples, please send each person not already on your mailing list one copy anyway and SEND THE BILL TO ME. I think it's important that WAP! survive...and if it means a couple of bucks out of my pocket...so it goes.

I'm also including a list of publishers and/or people that have stiffed me for money or artwork. Hopefully someone else may benefit from knowing of my experiences with them.

I recently had occasion to meet with Kathie Abrams, national president of the Graphic Artists' Guild. During our conversation, I told her about some of the more obscene practices employed by some publishers when dealing with freelancers, and how WAP! was created to increase the freelancer's awareness of these practices. Kathie was quite interested and supportive, and suggested the possibility of sharing pertinent information between WAP! and GAG's national newsletter. What do you think?

Several months ago, I promised Steven Grant that I would contribute an article concerning Comico's sale of some of my work to Warner Books without my knowledge or consent, their combined coercion to get me to sign a work-for-hire agreement after the fact, and then Warner's subsequent refusal to return my cover art. (Refusal, that is, until I retained the services of an attorney. After ratholing me for over five months, it took Warner only two weeks to "find" and return my property once my lawyer sent a letter to them. My painting was returned, complete with thumbtack holes in all four corners. Gee -- could it have been on the wall of the nephew of some executive?)

One last thing -- on many good projects, creative teams have been assembled prior to announcements in the fan press and the actual signing of contracts with publishers. Is there any way to let creators, writers, and artists know about my availability and desire to work? Having spent three years working mostly on flat color books for Comico, and my full color airbrush work appearing for the most part in books by smaller publishers with even smaller distribution, it's damn near impossible to compete with some of the more familiar names doing color art in comics today. I'd like to find a way to get some samples of my better work into the hands of the right people at the right time. If I don't get work then, that's fine. At least I had an opportunity to be considered. Any suggestions you have, or any way that WAP! could help me here would be appreciated.

One last thing!

You want to hear about new assignments we're proud of--here's two:

--Recently completed color art on Pocket Comics' MARS ATTACKS. Though it's not a big name, big project from a big company, I'm damn proud to have my name on this one. Why? It's nice to work with a publisher (himself a freelance graphic artist) that believes an artist should own not only the physical artwork but the rights to it as well. Also, there was an incredible amount of collaboration between Mario (publisher), Bruce Fuller, Greg Capullo and John Hebert (all of whom did the B&W artowrk); and myself. It was really nice to be part of an art *team*, rather than being totally removed from most creative planning the way most color artists usually are.

--Recently completed my first album cover for a local band with very limited distribution. So what's the big deal here? It was nice to be paid as an airbrush artist rather than a colorist, and nicer yet to be reminded that I still know how to draw and compose a painting!

PEOPLE and/or PUBLISHERS THAT HAVE SCREWED ME for MONEY or ARTWORK

1) David Campiti - (Color art, GI Rambot #1; cover) According to the "Statement of Reconciliation With Mr. Scott Rosenberg" published by Campiti & Associates and Pied Piper Press, Inc. dated April 28, 1987, Rosenberg had made a loan of $2,500 to C&A for "furniture". Campiti states that this loan was repaid, at Rosenberg's request, with "valuable collectables" consisting of "the cover art and cover coloring for books Rosenberg had published". Campiti goes on to state in print that "Rosenberg received original cover artwork, color greylines, and more. Rosenberg owns this artwork; this debt has been paid."

So Rosenberg got his artwork, Campiti got his furniture, but I was never paid for my art. When my interior art from *Rambot* #1 was returned to me sans cover, I called Campiti to ask about this. His response was that my cover had been "misplaced" in his office.

2) David Campiti - (25 pages of color art, *GI Rambot* #2) This work had been completed and sent to Campiti on 12/12/86. The color seps had been completed by S&M Graphics. At that time, Rosenberg was apparently unable or unwilling to pay the bill for the color seps, so S&M kept the color keys and returned the artwork. In the possession of Pied Piper for several months, Mark Hamlin told me he had sent my art to Campiti as part of a settlement in a dispute between the two of them. Hamlin states this was done so that Campiti could publish *Rambot* himself. As far as I'm concerned, both parties are at fault, and I'm out 25 pages of art.

3) Pied Piper Pres, Inc. -- Pied Piper has made a $50.00 payment against a $691.00 invoice for *Power Factor* #2, dated 12/15/87. Although they did return my artwork in a prompt fashion, I doubt I'll ever see the remaining $641.00 they owe me.

4) David Newell/Media Arts Publishing -- Newell approached me at the San Diego con last summer and asked me to develop and airbrush bluelines for *Doctor Boogie* #1. He offered good money,

promised to pay COD, but specified that it was a rush job, and instructed me to get the chemicals necessary to develop the bluelines as soon as I got back to NY. On Tues., Aug. 11, Newell called me on the phone to confirm the job, stating I would receive the negatives to develop the bluelines the following day. I immediately placed a rush order to Fluorographic Services for the blueline chemicals. On Thursday, Aug. 13, Newell called me again, this time to cancel the job. I immediately called Fluorographic to cancel my order, but it had already been shipped. I billed Newell for a kill fee which covered my out-of-pocket expenses and nothing more, a reasonable move by any standards: Newell returned my invoice with the following written across it: "You must be kidding, aren't you?" Numerous attempts have been made to recover my money with no results. The unopened bottles of chemicals remain on a shelf in my studio today.

5) Why is it that every time I do work for First, I have to call long distance to get paid for the job and to get my artwork back?

Thanks for your time, and keep up the good work.

Tom Vincent
Ballston Lake, NY

A note about sample copies: Any freelancer who hasn't received a sample of WAP! may do so simply by writing us and asking for one. Likewise, whenever someone gives us the name and address of a freelancer who isn't on our mailing list, we send that person a sample. We wish we could provide WAP! to every freelancer in comics every month at no cost, but it's just not possible. Paper and postage eat up most of each subscription dollar. None of us on the Editorial Board expected to make a dime from WAP! -- and so far our expectations have been fulfilled -- but we do aspire to break even.

Dear Frank,

Thanks for asking me to write this, although it feels like I'm passing along stale news. The only

comics press that covered this was *Comics Interview* (#53). The story was repeatedly ignored by both *The Comics Buyers' Guide* and *The Comics Journal*, even though it was about a lawsuit in a Federal court, where an attempt was made to discredit and censor a comic book. The story I kept pitching to them was also about assholes -- the *real* kind -- little pink and brown sphincters we wipe clean with toilet paper. I guess everybody figured there were too many stories like this one already. I was probably asking the impossible of Don and Maggie, because they account to a family-oriented publisher, who might not have a place for a story that used a word like "rectum". I did think that at least Gary Groth would have known where to stick it.

Real War Stories #1 (Eclipse) is a comic book that I edited and co-authored for C.C.C.O., a non-profit military and draft counseling organization. (Yes! I'm looking for artists and writers for *RWS* #2 and #3. Both are paying gigs at regular rates, but designed to kick back benefits to two other non-profit organizations.) *RWS* #1 ended up attacked panel by panel on the stand by one Lieutenant Colonel Cullen, volunteered as a special witness by the Pentagon and the Department of Justice. *Real War Stories* was considered part of a threat to national security. (And it sells for $2.00.) The veracity and intent of *Real War Stories* was disputed. The lawsuit was recently decided in our favor in a U.S. District Court in Atlanta, Georgia.

Briefly, what happened was that some peace organizations had an agreement which permitted them to participate in school "Career Days" and "Your Motivation Days." They could give students copies of *Real War Stories* and other materials, at the same time military recruiters made their push for enlistment. Things heated up politically, and this decision was reversed. The Atlanta Peace Alliance then brought the matter to court, arguing alternative viewpoints would balance the picture painted for students by recruiters. In turn, the Department of Defense and the Department of Justice flew in an expert witness, on the premise that national security was jeopardized, because reading *Real War Stories* and talking to peace activists could interfere with recruitment, deemed essential to our country's defense.

Of all the stories in *RWS* #1, the one everybody has been so quick to dispute is Tim Merrill's story, as retold by Mike Barr, Brian Bolland, and Mark Farmer. That story included a description of "greasing", a form of ritual hazing "common on Navy vessels. Some guys grab one of the smaller recruits, shove a grease gun up his rectum and go." Buddy Saunders called us out about the "greasing" last summer in San Diego, when *RWS* #1 was just released. He pulled *Real War Stories* from his shelves after talking to friends who had been in the service about "greasing." These friends advised Buddy much as Lt. Col. Cullen eventually testified, when he said, "If things like that went on, I would have to say something like that would be very difficult to hide in an open society. It's kind of like, you know if somebody -- if you had eight or nine soldiers do something really awful, sooner or later somebody is going to find out about is. You can't hide things in America."

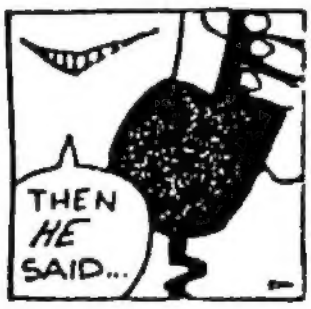
Buddy decided to carry *Real War Stories* after Lou Ann Merkle and I caught up with him at the convention. The first thing we found we could all agree on was our mutual appreciation of the skillful and non-exploitative way Mike wrote, and Brian and Mark rendered, the grease gun scene. Lou Ann and I had already started to get letters confirming "greasing"; Eclipse forwarded one from a guy who told me that every time this happened on his ship, the violators got Captain's Mast. (He thought this was much more civilized and responsible than on commercial oil tankers, where "greasing", also known as "doping," goes unpunished.) We showed Buddy military records, including transcripts from hearings reported in the Naval and Marine Court of Military Review. The cases all had to do with either "greasing" or "inking." "Inking"? For the record: "They either hang you upside down by your ankles, or bend you over and pull your pants off and cover your crotch area with printer's ink." Buddy didn't like what he saw in *Real War Stories* -- our personal politics are probably worlds apart -- but he concluded that he would be "unAmerican" if he refused to stock the book, after our stories checked out. He listened. If he sees this, my respectful thanks.

The Department of Defense's own records were also used in Atlanta, as reply to charges made against *Real War Stories*. (If anyone wants a transcript of this, let me know.) When Lt. Col. Cullen was cross-examined by attorney Jim Feldman, Jim presented as evidence the case of a married couple, both in the Navy, and both charged with going AWOL, to prevent the woman (a Fireman Apprentice) from being "greased and inked". At first, husband and wife were each found guilty. It actually was declared at their courts martial that they could not use the defense of "duress" because "this type of physical abuse [was] classified as an initiation or 'longstanding tradition.'" It seems that on the ship, "greasing" just sorta happened to everybody.

Both courts martial were eventually appealed and overturned, and it was noted that "there was ample unrebutted and uncontradicted testimony that the intermediate chain of command was not responsible to the appellant's previous allegations of physical and verbal sexual harassment." Cullen's reply was "I don't know. I never heard it before, plus I have never -- I don't know whether it happened in the Navy or not. I told you I never heard of it in the Navy, and I never heard of it in the Army."

C.C.C.O. told me that when the Department of Defense saw where the case was going, they withdrew before further participation and Lt. Col. Cullen, to minimize embarrassment. Anyway, when I told Mike Barr that the Pentagon was reading *Real War Stories*, we both tried to figure out if this meant they were buying it.

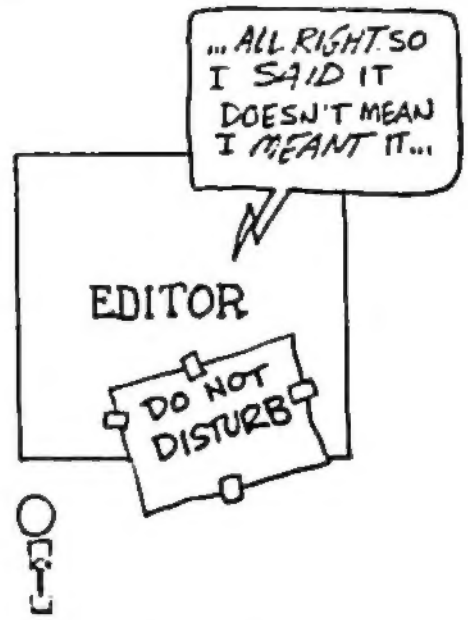
Joyce Brabner
Cleveland Heights, Ohio



RUMORS AND INNUENDO

"NEVER HAVING TO SAY YOU'RE SORRY" Dept.: Lately a lot of people have been apologizing to us for doing work at Marvel and DC, and this makes us think we've been misinterpreted. Sure, we want you to stay informed, but we have nothing against freelancers making money or working on projects that interest them, and whom you work for is strictly up to you. You don't have to explain it to us. We'll let others try to artificially divide and pigeonhole comics freelancers; the WAP! ideal is to bring freelancers together...

"I WANT MONEY" Dept.: This much is fact: in *Daily Variety* and *Hollywood Reporter* of July 8, 1988, it was announced that New World Pictures, suffering massive losses, is selling Marvel Entertainment (i.e., Marvel Comics Group and what is currently one of the most renowned white elephants in media, Marvel Productions). New World's management made little comment on the matter, and no comment on the subject of potential buyers. Which brings us to the rumors, none of which we have any particular reason to accept or dismiss: 1) Carnation is buying Marvel. This one has been floating around for a few months. 2) Marvel will be bought by the French publishing giant, Hachette, which already owns Marvel's distributor, Curtis Circulation. In addition, it's rumored that Curtis is buying Periodical Marketing Services Company, the distributor that circulates magazines AND COMIC BOOKS to both Waldenbooks and B. Dalton. If the Hachette-Marvel-Curtis-PMSC axis comes into being, it could have great repercussions on the budding bookstore comics market. 3) The most interesting rumor is that General Electric is getting ready to pump lots of money into New World, and Marvel Entertainment is being offered as collateral for the loan. We don't know which of these comes closest to the truth, but one thing seems pretty certain in *any* event: odds are New World won't get *nearly* as much for Marvel as they paid for it. But that's another story for another time...



"BEATING A DEAD HORSE" Dept.: Three years ago, crossover series were *the* hot thing in comics. Now symptoms of reader boredom abound. At a Chicago Con panel this year, for instance, the Executive Editor of that **DOWNTOWN NYC MAJOR** asked for reader reaction to **DOWNTOWN**'s annual crossover for this year. Among the kinder responses was something to do with tar and feathers... Meanwhile, at that **UPTOWN NYC MAJOR**, a managerial meeting discussed the declining favor of crossover series, with the conclusion that **UPTOWN** ought to forgo any more of them. According to the reports we heard, the publisher listened to all comments, nodded in agreement, pondered some more, then said, "So what's our crossover series for *next* year?"... And according to a **DISTRIBUTOR** we know, one of those **INDEPENDENTS** doing a crossover series this year contacted him when it seemed his orders on his series were a little low. "Everyone else made their quota," he claims **INDEPENDENT** told him. To save face, **DISTRIBUTOR** struggled to produce a few more orders. A few months later, at a distributors' meeting, **DISTRIBUTOR** was discussing the crossover series with **OTHER** distributor. Meekly, **OTHER** confided he hadn't made the quota either, and **DISTRIBUTOR**'s jaw *dropped*. Soon every distributor at the meeting was buzzing about how *none* of them had made the quota -- and **INDEPENDENT** had given the same story to each of them...

"SYNCHONICITY, PT. 3" Dept.: Speaking of crossover series, this story begins a couple years ago. Back then, **A CERTAIN WRITER** approached **THAT MAJOR COMPANY** with an idea for a crossover series that would continue through each of **COMPANY**'s annuals that year. (No, we're not talking about "The Evolutionary War.") Seems the storyline involved aliens who, wanting to control the direction of human evolution, invade and strip superheroes of their powers. **MR. EDITOR**, who needed to approve the use of his books' characters, repeatedly failed to involve himself, preferring instead to develop *another* crossover series – with a more famous writer -- about aliens who want to control the direction of human evolution. He pushed it through, killing **CERTAIN**'s series (and wasting about a year's worth of **CERTAIN**'s work; **CERTAIN** was fortunately able to wrangle a small kill fee). Cut to a couple years later,

when CERTAIN was interested to hear that MR. EDITOR had developed a *new* crossover series -- about aliens who invade Earth and strip superheroes of their powers. MR. ED, of course, doesn't see any similarity at all...

"THUNDERATIONI" Dept.: Remember last issue when we mentioned how BIG COMPANY was pumping out trade paperback collections but ignoring some of their biggest hits of recent years? Remember a few years back when MR. WRITER-ARTIST (no, we don't mean John Byrne) took over the adventures of that moribund character and finally showed BIG the pot of gold at the end of the character's rainbow? Rumor has it that a paperback collection of MR. WRITER-ARTIST's stories was recommended. EDITOR-IN-CHIEF killed the collection, but our spy said it escaped no one's notice that CHIEF is *currently* writing the character and can gain nothing by reminding anyone that MR. WRITER-ARTIST ever worked on the strip...

"CHEW ON THIS ONE" Dept.: Suddenly we're besieged by stories about that HOT NEW COMICS LINE, the one formed to be a creator-oriented alternative to its PARENT COMPANY. Among the better ones: MR. WRITER-ARTIST, who has been swamped with work lately, tried to sell a twisted new series to PARENT, which balked, but the editor at HOT said *he* wanted to publish it. Other people have been having problems with HOT over the matter of ownership, but MR. WRITER-ARTIST said he didn't care about that, all he wanted was creative control over the property. HOT EDITOR frowned and said, "Gee, I don't know if we can *do* that"... In another story, NEW WRITER-ARTIST TEAM supposedly have sold HOT EDITOR on a project -- but they keep waiting for the go-ahead. "We love it, we want to do it," HOT EDITOR insists, especially when they start talking about shopping their idea around. The waiting continues. Finally, they want to know what the problem is. HOT EDITOR tosses them a copy of TIME[2] and says, "This is more along the lines of what we're looking for"... *Wait! There's more!* A third story goes that ARTIST X, who's currently working for an independent, was sent a script by HOT EDITOR. After looking it over, ARTIST X decided he wanted to draw it, and told HOT EDITOR. "Not so fast," HOT EDITOR replies. "First I have to find out what the other artists said." He then informed ARTIST X that he *never* offers scripts to only one artist. Furious, ARTIST X retracted his acceptance and stormed off to let the other artists know what was going on. Gives a whole new meaning to "simultaneous submission," doesn't it?

"WACKIEST RUMOR OF THE MONTH AWARD" Dept.: This one comes from an informant back East, and while we don't give it a *bit* of credence, it's a fun one. According to report, Dick Giordano is gearing up to retire (variations of this one are constantly in circulation) and DC art director (and former Capital Comics editor) Richard Bruning has been earmarked to replace him as executive editor. Slotted to replace Bruning as a.d., so goes the story, is Vortex Comics designer Dean Motter...

"SON OF STAFF INFECTION" Dept.: They're a couple of colorful characters who had their own books, since cancelled, and they currently appear in that fantastically successful team book. Seems team book's editor, whom we'll call MR. Z, wants to spin the duo off into a humorous action title. However, rumor has it that MR. Z refuses to consider either of the writers who created (or re-created) the characters, even though one of them is very well-known and has some renown with action-humor material. MR. Z is apparently dead set on hiring one of his fellow editors instead...

SHORT NOTES: According to a few sources who received them, DC is now sending out form letters saying they're far too busy to look at submissions, but to try them again -- in five or six *years*... Congratulations to Tony Isabella and wife Barb, whose son, Edwin Lewis Isabella, was born on June 28... Mike Barr to do a sequel to his SON OF THE DEMON graphic novel, probably to be drawn by Tom Grindberg... Grant Morrison and Richard Case to take over writing and pencils, respectively, on DOOM PATROL...

Diamond Comics Distributors have bought Bud Plant's distribution operation, giving Diamond a foothold on the West Coast and solidifying their position among top distributors... A few of our readers suggest that those publishers of all those benefit books in the last couple years, especially those which asked freelancers for free work, release figures telling how much profit the books made and specifically what the money was spent on. Sounds like a good idea to us...

Finally, we'd like to thank everyone for flooding us with stories about THAT FANZINE PUBLISHER, but enough is enough, okay? Someday we'll compile them, but right now we have other things to do...

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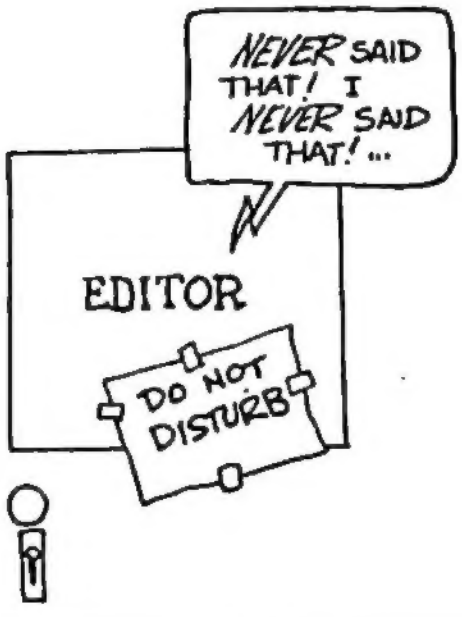

In This Issue...

It's Superman's 50th Anniversary...but what's to celebrate? Read the complete story of Siegel and Shuster from Steve Gerber, on page 4.

In a related piece: Ageism in comics isn't limited to a few isolated writers and artists. Details beginning on page 12.

What 's the new DC creator's rights deal all about? Get three different versions of the story on page 2.

Plus: Steve Bissette's piece on censorship continues...more letters ...and the usual collection of rumors, innuendo, and announcements.

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